IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21880 of 2004

Between:

Sri K. Babu Rao, S/o Late Sri Tatayya,
R/o H.No. 24-1-56/1, Ratnampeta,

Ramachandrapuram - 533 255, East Godavari District.

... PETITIONER

AND

1 The Managing Director, A.P. Dairy Development

Co-operative Federation Ltd, Lalapet, Hyderabad - 500 017.
2 The General Manager, Godavari Co-operative Milk Producers

Union Limited, Dairy Complex, Alcot Gardens,

Rajahmundry - 533 101.
3 The Government of Andhra Pradesh. rep. by its Principal

Secretary Animal Husbandry and
Dairy Development Fisheries (Dairy-II) Department A.P.

Secretariat, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of the Writ of Mandamus, declaring the inaction of the Respondents in not sanctioning and releasing all the terminal benefits including pension and gratuity of the Petitioner, including his commuted value of pension, as illegal, arbitrary, unjust and unconstitutional, being violative of Articles 14 and 21of the Constitution of India and consequently direct the Respondents to sanction and release all the terminal benefits including pension and gratuity and commuted value of pension forthwith with interest at the rate of 18% per annum from the date of his retirement.

Counsel for the Petitioner: MR.RAMA RAO GHANTA Counsel for the Respondent No.3: GP FOR ANIMAL HUSBANDARY Counsel for the Respondent Nos.1 & 2: MR.N.RAJESWARA RAO, STANDING COUNSEL FOR

APDDCF LTD.

The Court made the following :

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O R D E R:

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The petitioner claims to have retired as Supervisor from Godavari Co-operative Milk Producers Union Limited, Rajahmundry, second respondent, on 31.03.2004. His grievance is that the retirement benefits have not been extended to him so far.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

Time and again, the Supreme Court held that retirement benefits of an employee are to be treated as property and that the right in relation to the same needs to be protected by the Courts. Whenever an employee retires from service, the employer is under obligation to extend such benefits as are available to him in law. In most of the cases, the amount is nothing but the one contributed by the employee himself. There cannot be any justification to withhold the retirement benefits of the petitioner for such a long time.

The writ petition is disposed of directing that the respondents 1 and 2 shall settle all the retirement benefits of the petitioner, within four weeks from the date of receipt of a copy of this order. If the respondents 1 and 2 fail to settle the retirement benefits of the petitioner within the stipulated time, they shall be under obligation to pay interest at 15% on such amounts, after expiry of four weeks. There shall be no order as to costs.

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30th November, 2004

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To

1 The Managing Director, A.P. Dairy Development

Co-operative Federation Ltd, Lalapet, Hyderabad - 500 017.
2 The General Manager, Godavari Co-operative Milk Producers

Union Limited, Dairy Complex, Alcot Gardens,

Rajahmundry - 533 101.
3 The Principal Secretary, Animal Husbandry and
Dairy Development Fisheries (Dairy-II) Department,

Government of Andhra Pradesh, Secretariat, Hyderabad.

4 Two C.Cs.to the Government Pleader for Animal Husbandry,

High Court buildings, Hyderabad (OUT)

5 Two C.D.copies